

REQUEST FOR RECONSIDERATION
UNDER 37 C.F.R. § 1.116
APPLICATION NO. 10/089,569
ATTORNEY DOCKET NO. Q68831

REMARKS

General remarks.

Claims 1-22 are all the claims pending in the application.

Applicant thanks the Examiner for participating in the brief teleconference held by Applicant's undersigned representative on March 14, 2003, in which Applicant's concerns as to the possibility of an erroneous Office Action were responded to by the Examiner, who indicated that any concerns should be made by way of a Request for Reconsideration.

The objection to the drawings.

In the Office Action mailed on December 18, 2002, the Examiner required new drawings in response to an objection regarding prior art labels on some of the figures. Applicant so responded, and invited the Examiner to indicate whether the substitute drawing sheets were acceptable. In the above-identified final Office Action, the Examiner did not indicate whether the substitute drawing sheets were acceptable.

Applicant is surprised that the Examiner has not indicated whether the drawing objection is overcome or not, and respectfully requests the Examiner to clarify the disposition of the drawing objection.

In particular, Applicant respectfully requests to know whether the drawing objection is withdrawn.

The rejection under 35 U.S.C. §112, ¶2.

The Examiner rejected claims 1-22 under 35 U.S.C. § 112, second paragraph, as being indefinite, vague, and confusing for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner's rationale in making this rejection is not understood. In the section in which the Examiner's reasoning is explained, the Examiner points out problems in the claims as

REQUEST FOR RECONSIDERATION
UNDER 37 C.F.R. § 1.116
APPLICATION NO. 10/089,569
ATTORNEY DOCKET NO. Q68831

originally presented and mentions no deficiencies in the claims as amended by the response filed on March 4, 2003. The Examiner is aware that the claims were amended because the Examiner used this as a reason for making the rejection final ("Applicant's amendment necessitated the new ground of rejection ...").

Applicant is surprised to see that the Examiner has not at all responded to Applicant's attempts to overcome the rejection under 35 U.S.C. §112, ¶2. Applicant assumes this is just an oversight, but now the claims are finally rejected on this ground and any further amendments cannot be made as of right.

In view of the foregoing situation, Applicant respectfully requests the Examiner to withdraw this rejection of the claims, or to withdraw the finality of the outstanding Office Action so that Applicant can respond to any deficiencies of the claims as presented on March 4, 2003.

The prior art rejections.

The first paragraph of the Office Action states:

1. In respond to applicant's response to Applicant amendment filed 3/6/2003. Claims 1-22 have been amended. The argument is mood in view of the new ground of rejection.

Applicant respectfully finds in the Office Action no new ground of rejection. The only prior art rejections made appear to be absolutely identical to the text previously presented.

Applicant respectfully submits that the Office Action is defective. That is to say, the Office Action should respond to Applicant's arguments in favor of patentability unless the Examiner has withdrawn the previous rejections and made new rejections. Here, the rejections are all the same, and the applied references are all the same, and the Office Action includes no response whatever to Applicant's arguments in favor of patentability.

It appears that there may have been some computer error involved in the creation of the Office Action. Accordingly, a new Office Action is requested in which either the Examiner

REQUEST FOR RECONSIDERATION
UNDER 37 C.F.R. § 1.116
APPLICATION NO. 10/089,569
ATTORNEY DOCKET NO. Q68831

responds substantively to Applicant's arguments or in which the Examiner applies the new ground of rejection mentioned but not found in the present Office Action.

All Applicant can do at this point to respond to the prior art rejections is to renew the arguments presented in the response filed on March 4, 2003. Those arguments are incorporated herein by reference, and Applicant respectfully requests the withdrawal of the present prior art rejections in view of those remarks and in view of the amendments included in the response filed on March 4, 2003.

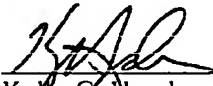
Conclusion and request for telephone interview.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860



Kelly C. Hyndman
Registration No. 39,234

WASHINGTON OFFICE



23373

PATENT TRADEMARK OFFICE

Date: May 28, 2003